

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**ADDONES SPENCER
Reg. #11060-027**

PLAINTIFF

V.

CASE NO. 2:13CV00063 DPM/BD

L. WARD, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections:

This Recommended Disposition (“Recommendation”) has been sent to United States District Judge D.P. Marshall Jr. Any party may file written objections to this Recommendation.

Objections must be specific and must include the factual or legal basis for the objection. An objection to a factual finding must identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

An original and one copy of your objections must be received in the office of the United States District Court Clerk within fourteen (14) days of this Recommendation. A copy will be furnished to the opposing party.

If no objections are filed, Judge Marshall can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may also waive any right to appeal questions of fact.

Mail your objections to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Discussion:

Plaintiff Addones Spencer, a federal inmate formerly housed in the Federal Correctional Institution - Forrest City Medium, filed this case *pro se* under *Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). (Docket entry #1) Due to deficiencies in his original complaint, Mr. Spencer was instructed to file an amended complaint. (#4)

Mr. Spencer filed an amended complaint, but it contained a number of unrelated claims, including multiple due process claims, a deliberate-indifference claim, and an excessive force claim (#12) After reviewing the amended complaint, the Court instructed Mr. Spencer to file a second amended complaint that included only one constitutional claim. (#13)

Mr. Spencer again complied with the Court order and filed a second amended complaint. The second amended complaint included only a due process claim against Defendants Ward and Farris. (#14) Mr. Spencer's claims against Defendants Ward and Farris have now been dismissed. (#23)

The Court recommends that all claims against the remaining Defendants now be dismissed. Claims against these Defendants are unrelated to the due process claims

against Defendants Ward and Farris. Mr. Spencer appropriately omitted these claims from his second amended complaint, and they no longer belong in this lawsuit. See *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir. 2000) (amended complaint supercedes the original complaint and renders it without legal effect).

III. Conclusion:

The Court recommends that Mr. Spencer's claims against Defendants Annton, Lopez, Samuels, Keller, Summers, Fox, Bureau of Prisons, FCI- Forest City, Sheldon, Adduci, Cantrell, and Alsup be DISMISSED, without prejudice.

DATED this 10th day of January, 2014.


UNITED STATES MAGISTRATE JUDGE